

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

February 8, 1989



ALL COUNTY LETTER NO. 89-15

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY AUDITORS
ALL COUNTY PROGRAM FISCAL OFFICERS
ALL COUNTY PROGRAM COORDINATORS
ALL COUNTY ADMINISTRATIVE SERVICES OFFICES

SUBJECT: SENATE BILL (SB) 510 INFANT SUPPLEMENT

This letter is to provide the program and fiscal claiming instructions necessary to implement Senate Bill (SB) 510 (Chapter 1066, Statutes of 1988).

As you are aware, All-County Letter (ACL) 88-153 dated December 2, 1988 informed County Welfare Departments (CWDs) of a Federal law change affecting the Title IV-E Aid to Families with Dependent Children (AFDC) - Foster Care Program. The Omnibus Budget Reconciliation Act (OBRA) of 1987 amended sections of the Social Security Act requiring the aid payment for a minor parent who receives AFDC-Foster Care to also include an amount for the care of the minor parent's child living with the parent in placement. The OBRA also prohibits AFDC-Family Group Program payments for children who live with parents who are AFDC-Foster Care recipients.

SB 510 provides the required State law changes necessary to implement the OBRA provisions in California. The Bill provides the statutory authority for the supplemental payment to be added to the current AFDC-Foster Care rate for the minor parent. The Bill further removes the current AFDC-Family Group eligibility to the child of minor parents receiving AFDC-Foster Care.

The Department is in the process of filing emergency regulations (#1288-59) as allowed under the emergency provision contained in SB 510. The regulations reflect the necessary program changes and schedules the AFDC-Foster Care supplemental payment for the child to begin on March 1, 1989. It also removes the AFDC-Family Group eligibility for the child as of February 28, 1989.

Listed below are the program and fiscal areas impacted by SB 510. Each section outlines the mandated changes and provides implementation instructions.

AFDC-Family Group & Unemployed Parent Programs

As of February 28, 1989 a minor parent who is an AFDC-Foster Care recipient will no longer be eligible to receive AFDC-Family Group or AFDC-Unemployed Parent payments for their child(ren) living with them in foster care placement. Any AFDC benefit payment other than AFDC-Foster Care released to these minor parents after this date will be considered an AFDC overpayment. As stated in ACL 88-153, it is imperative that all AFDC-Foster Care eligible minor parents living with their children and currently receiving AFDC benefits other than AFDC-Foster Care be identified. This identification is required in order to release the required Notice of Actions (NOAs) in a timely manner for termination of the AFDC-Family Group or AFDC-Unemployed Parent payment.

A temporary NOA message (M44-206t) which is attached has been developed for use in terminating the AFDC grant for this population. The NOA terminates the AFDC benefit payment and explains that the minor parent's foster care provider will be receiving more money in order to meet the child's needs. All requirements outlined in Manual of Policies and Procedures (MPP) Section 22-022.1 "Timely Notice" are to be followed during this NOA process.

Infant Supplement Amount

The additional money to be paid to the provider is an "infant supplement" amount. The infant supplement is to cover the cost of care and supervision of a minor parent's child in addition to the AFDC-Foster Care rate paid for the minor parent's placement. The dollar amount of the infant supplement to be included with the minor parent's AFDC-Foster Care payment is as follows:

Group Home Rate:

The amount paid for a child living with a minor parent in a group home placement will be \$708 per month per child.

Family Home and Foster Family Agency Rates:

The amount paid for a child living with a minor parent in an eligible facility other than a group home will be \$326 per month per child.

AFDC-Foster Care Program

Starting March 1, 1989 the infant supplement shall be paid in addition to a minor parent's AFDC-Foster Care payment for a child(ren) who is living in the same eligible facility with a minor parent.

The eligibility for the infant supplement is based on the minor parent's AFDC-Foster Care eligibility determination, per Manual of Policies and Procedures (MPP) Section 45-200.1. There is no separate eligibility determination needed on the minor parent's child. The child of the minor parent is not considered to be in out-of-home placement, although the cost of care is funded by the AFDC-Foster Care Program. Therefore, the minor parent's child is not to be included in any foster care persons count.

The standard NOA and "Timely Notice" procedures that are currently used by CWDs to inform foster care providers of any increase in the foster care payment level are to be used for the purpose of informing providers of the infant supplement.

Medi-Cal Eligibility

A minor parent's child for whom an infant supplement is being paid is also eligible for Medi-Cal benefits. There is no separate Medi-Cal application or eligibility determination needed on the minor parent's child. Using the minor parent's aid code and case number the CWDs are to apply their individual county process to request the inclusion of an additional person within an otherwise eligible Medi-Cal case.

Child Welfare Services

The minor parent's assessment and subsequent reassessments for child welfare services should identify any special needs of the minor parent with regard to his/her role as a parent. There is no authority or requirement to develop a separate assessment and service plan for the minor parent's child unless the child is also a dependent or there is a voluntary services agreement.

Out-Of-County Placements

It is necessary to locate and identify minor parents who are placed out-of-county with their child where AFDC-FC payments are made by the sending County and the child is currently receiving AFDC benefits from the County where the minor parent is placed. In these instances, sending County and County of placement must work together to ensure AFDC-FG/U benefits to the child are terminated February 28, 1989 by the County of placement, and the sending County increases the AFDC-FC payment effective March 1, 1989. ACL 88-153 recommended that flyers be used to have providers alert their services workers if they had minor parents with children in their facilities. This procedure would result in the sending County being informed by the provider. The sending County must inform the County of placement of these cases in order to have the AFDC-FG/U terminated. To expedite this notification process, it is this Department's recommendation that CWDs designate a staff person

within each County as an "infant supplement" coordinator. The coordinator would assure that the Counties of placement would put the termination of AFDC benefits in process and would also contact the sending County's coordinator to assure that the infant supplement was processed in the same timely manner.

Please provide your foster care program analyst with the name and telephone number of the person designated as the coordinator for your County. Based on this information, a statewide coordinator list will be compiled and sent to all Counties for further reference.

Dependency Action

The child of a minor parent is eligible for the infant supplement as long as the child is living with the AFDC-Foster Care eligible minor parent. Adjudication for dependency purposes has no bearing on the payment of the infant supplement. Adjudicated children are eligible as long as they are living with the minor parent in the same eligible facility.

If the child is removed from the minor parent and placed in a separate foster care facility, the needs of the child are no longer provided by the infant supplement. The child's eligibility for AFDC-Foster Care must be determined based on the child's circumstance pursuant to MPP Section 45-200.1.

Fiscal Claiming Instructions

Effective with the March 1989 assistance claim, the supplemental payment for the child of the minor parent will be claimed on the Aid to Families with Dependent Children-Foster Care (AFDC-FC) payroll. Supplemental payments on behalf of a Federal case will be shared 50 percent Federal, 47.5 percent State, and 2.5 percent County. Supplemental payments on behalf of a nonfederal case will be shared 95 percent State and 5 percent County.

Cases with a supplemental payment aided under aid codes 42 (Federal FC) and 40 (Nonfederal FC) must be identified with an alpha code. The suggested alpha code is MP (Minor Parent). Counties may use another alpha code, but must document the code on their payroll. When issuing a single warrant, the supplemental payment must be separately identified on the payroll. If a County chooses to issue a separate warrant for the supplemental payment, the supplemental payment for the child of the minor parent must be coded with the suggested alpha code MP (or other documented code).

In addition, the social worker percentage or other nonfederal cost obtained from the foster care rate listing does not apply to the supplemental payment for the child if the minor parent's placement is in a group home which has these costs.

State of California
Department of Social Services

Manual Msg. No.: M44-206t
Action : Disc.
Reason: Ineligible Child
Title: Minor Mother With
No Eligible Child
Form No. : NA 290
Effective Date : 03/01/89
Revision Date :

Auto ID No. :
Flow Chart No. :
Source : SB 510
Regulation Cite: M44-206.1, W&I Code 10554

MESSAGE: As of February 28, 1989, the County is stopping your cash aid.

Here's why:

A change in State law says the AFDC-FG (Aid to Families with Dependent Children-Family Group) for your child(ren) will stop. Starting March 1989, your foster care provider will get more money to meet your child(ren)'s needs.

INSTRUCTIONS: Use to discontinue AFDC-FG for a child(ren) living with a Foster Care minor parent. This is required by a change in State Law which makes the minor parent's child(ren) ineligible for AFDC-FG. The child(ren)'s needs will now be met by the foster care provider who will get a supplemental payment for the child(ren).

This is a temporary NOA message.

Only one person count and one case count is to be claimed for these cases. The supplemental payments are to be totaled with all other AFDC-FC payments and carried forward to the appropriate CA 800, Summary Report of Assistance Expenditures. Federal supplemental payments will be claimed on the CA 800 FC (FED) and Nonfederal supplemental payments will be claimed on the CA 800A FC (NONFED).

SB 510 does not create new staffing activities or substantially increase existing workload. Therefore, the Counties' existing allocations are not impacted.

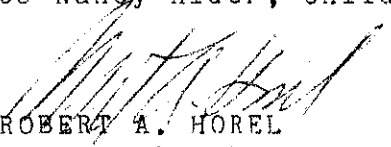
Foster Care Information System

The children of minor parents are not considered for audit purposes to be in out-of-home placement, even though the costs of care is to be funded by the AFDC-Foster Care program. As a result, the minor parent's child is not to be included within any foster care persons count.

Child Support Requirements

Civil Code Section 208.5 states that senior parents are not financially responsible for the care of grandchildren. Therefore, the CWDs shall refer to the District Attorney all forms and information as required in MPP Section 45-201.3 for both the minor parent and the minor parent's child. A Family Support Division (FSD) ACL will be forthcoming to provide the specific child/spousal support collection/distribution reporting instructions.

If you have any questions concerning the infant supplement or foster care eligibility, please contact your Foster Care Program analyst at (916) 445-0813. Questions concerning other AFDC benefits should be directed to your AFDC Policy analyst at (916) 322-5475. Fiscal claiming instructions should be directed to Fiscal Policy and Procedures Bureau at (916) 445-7046. Questions concerning child welfare services should be directed to your Adult and Family Services Operations consultant at (916) 445-0623. Child/Spousal Support Program related questions should be directed to Nancy Alder, Child Support Management Bureau, at (916) 445-9453.


ROBERT A. HOREL
Deputy Director
Welfare Program Division

Attachment

cc: CWDA

Existing law requires the department to perform various acts relating to ratesetting for foster care providers.

This bill would require the department to develop and maintain regulations specifying the procedure for appealing department decisions about a foster family agency's costs or rates.

Existing law permits the department to perform audits on foster family agencies receiving funds on behalf of AFDC-FC children.

This bill would require those audits, as specified.

This bill would incorporate additional changes in Section 1502 of the Health and Safety Code, proposed by AB 2967, to be operative only if AB 2967 and this bill are both chaptered and become effective on or before January 1, 1989, each bill amends Section 1502, and this bill is chaptered last. These changes would become operative on the operative date of AB 2967.

This bill would incorporate additional changes in Section 1506 of the Health and Safety Code, proposed by AB 3139, to be operative only if AB 3139 and this bill are both chaptered and become effective on or before January 1, 1989, each bill amends Section 1506, and this bill is chaptered last.

Existing law makes the violation of laws regulating community care facilities, which includes foster family homes and foster family agencies, a misdemeanor.

This bill, in revising the activities permitted by licensees, creates a new crime and thus imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that there is a significant shortage of foster families in the state to meet the temporary placement needs of children. Since 1984-85, the number of children in foster care has increased at twice the rate of the number of participating homes. By the end of 1988-89, there will be nearly 4,000 more children in need of foster family care than the total number of available beds.

The Legislature has provided additional funds to counties to enhance their ability to recruit new foster parents. In addition, legislation was passed in 1986 to authorize nonprofit foster family agencies to recruit, screen, certify, train, and support foster parents.

It is the intent of the Legislature that these public and private efforts not be competitive and that the total number of foster parents

Senate Bill No. 2160

CHAPTER 1142

An act to amend Sections 1501.1, 1502, 1506, and 1536.1 of, and to add Sections 1506.5, 1522.6, and 1536.2 to, and to add Article 2.7 (commencing with Section 1529.1) to Chapter 3 of Division 2 of, the Health and Safety Code, and to amend Sections 11400, 11462.4, 11463, 11463.5, and 16514 of the Welfare and Institutions Code, relating to foster care, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1988. Filed with Secretary of State September 22, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2160, Royce. Foster care: foster family homes.

Existing law permits the placement of children with developmental disabilities, mental disorders, or physical disorders in licensed foster family homes.

This bill would permit placement in licensed or certified family homes.

Existing law permits any holder of a valid license issued by the department which authorizes the licensee to engage in any foster family agency functions to place children only in a certified family home which has been certified by that agency or in any licensed foster family home selected.

This bill would permit licensees to use only certified family homes or licensed foster family homes, would prohibit foster family agencies from using foster family homes licensed by a county without the approval of the licensing county, would prohibit the placement of children in the home except through the approved foster family agency for that home, and would redefine the terms foster family agency and foster family home.

Existing law requires the department to create an advisory committee to assist the department on specified activities relating to facilities providing services to children. The committee is terminated on January 1, 1989.

This bill would create an advisory committee to assist the department to develop ways to expedite fingerprint clearances of potential or certified foster parents and to be terminated January 1, 1991.

This bill would establish a program of foster parent training, as specified, and would make other changes relating to foster family homes.

Existing law requires the department to project the impact of its regulations on group homes as small businesses.

This bill would include foster family homes in that provision.